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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,658	06/19/2001	Stephen J. Boies	YOR920010179US1	4477

7590 10/22/2004
 Duke W. Yee
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EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,658

Applicant(s)

BOIES ET AL.

Examiner

Thjuan P Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-16,18-23,25-29 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-16,18-23,25-29 and 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7, 9-16, 18-23, 25-29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolduc et al (US 6,195,426), in view of Bilder (US 6,400,804).
2. In regards to claims 1, 14, 18, 31, and 28, Bolduc discloses a method, computer program product, and system for providing customized information to a user placed in a queue, comprising: receiving a communication from a user; placing the user communication in queue; identifying the user; consulting a database of customized information content; receiving a response from the database (database 160) according to user identity; and presenting the selected customized information content to the user (Abstract, Summary, col. 2 lines 42-60, and col. 3 lines 48-60). Bolduc, however, does not disclose estimating a length of time the user communication will be in the queue, nor selecting customized information content from the response, based on the estimated length of time the user communication will be in the queue. Bilder, however, does disclose estimating a length of time the user communication will be in the queue (col. 9 lines 51-59), and selecting customized information content from the response, based on

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the estimated length of time the user communication will be in the queue (col. 10 lines 5-14). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to employ the feature of selecting customized information content from the response, based on the estimated length of time the user communication will be in the queue, as a way of providing customized information/activities to the user in a manner that is suited for his or her approximate hold time. Therefore, the user will only receive customized information/activities that he or she will be able to listen to or see within the given amount of time.

3. In regards to claims 2, 19, and 21, Bolduc discloses the method and computer program product, wherein the response received from the database comprises customized information content (col. 2 lines 42-60).

4. In regards to claims 3, 4, and 20, Bolduc discloses the method and computer program product, wherein the response received from the database comprises a pointer (adjunct processor 150) to customized information content (col. 3 lines 27-47).

5. In regards to claims 5 and 32, Bolduc discloses the method and system, wherein the communication is by means of a telephone (col. 2 lines 42-48 and col. 3 lines 7-25).

6. In regards to claims 6, 22, and 33, Bolduc discloses the method, computer program product, and system, wherein the queue is a telephone hold queue (col. 3 lines 7-25).

7. In regards to claims 7, 11, 23, and 25, Bolduc discloses the method and computer program product, wherein the user is identified by means of an originating

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telephone number, a customer identifier, and an account identifier (col. 2 lines 42-48 and col. 3 lines 40-47).

8. In regards to claims 9 and 10, Bolduc discloses the method, wherein the database of customized information content is maintained on a remote server (Fig. 1 and queue system 200).

9. In regards to claims 12 and 26, Bolduc discloses the method and computer program product, wherein the customized information content includes shopping preference (col. 2 lines 48-54).

10. In regards to claims 13 and 27, Bolduc discloses the method and computer program product, further comprising: allowing the user to communicate with other parties while in the queue (col. 7 lines 6-26).

11. In regards to claims 15 and 29, Bolduc discloses the method and computer program product, further comprising: sending an interrupt message to a device when the user is removed from the queue (col. 7 lines 27-29).

12. In regards to claim 16, Bolduc discloses the method, wherein the customized information content is presented by means of audible and visual (col. 2 lines 61-64 and col. 6 lines 43-54).

Response to Arguments

13. Applicant's arguments with respect to claims 1-7, 9-16, 18-23, 25-29, and 31-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

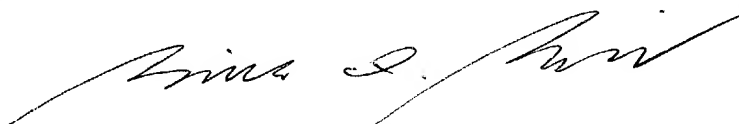
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

BING Q. BUI
PRIMARY EXAMINER